

Message Text

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TO SECSTATE WASHDC IMMEDIATE 7104

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SUBJECT: TEXT OF POLITICAL REFORM BILL

FOLLOWING IS UNOFFICIAL TRANSLATION OF OPERATIVE PARAGRAPHS
OF TEXT OF POLITICAL REFORM BILL RELEASED SEPTEMBER 11.
THE LENGHTY PREAMBLE, BEING POUCHED, STRESSES THE
DEMOCRATIC CONCEPT AND THE NEED FOR THE PEOPLE TO EXPRESS
THEIR WILL THROUGH ELECTIONS.

"ARTICLE I

1. DEMOCRACY IN THE POLITICAL ORGANIZATION OF
THE SPANISH STATE IS BASED ON THE SUPREMACY OF LAW,
THE EXPRESSION OF THE SOVEREIGN WILL OF THE PEOPLE.
2. THE POWER TO MAKE LAWS RESTS IN THE CORTES.
THE KING SANCTIONS AND PROMULGATES THE LAWS.

ARTICLE 2.

1. THE CORTES IS COMPOSED OF THE CONGRESS OF
DEPUTIES AND OF THE SENATE.
2. THE DEPUTIES OF THE CONGRESS WILL BE ELECTED
BY DIRECT AND SECRET UNIVERSAL SUFFRAGE OF SPANIARDS
WHO HAVE REACHED THEIR MAJORITY.
3. SENATORS WILL BE ELECTED IN REPRESENTATION

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OF THE TERRITORIAL ENTITIES. THE KING WILL BE ABLE

TO DESIGNATE FOR EACH LEGISLATURE SENATORS IN A
NUMBER NOT GREATER THAN THE FIFTH PART OF THOSE
ELECTED.

4. THE DURATION OF THE MANDATE OF DEPUTIES
AND SENATORS WILL BE FOUR YEARS.

5. THE CONGRESS AND THE SENATE WILL ESTABLISH
THEIR OWN RULES AND ELECT THEIR RESPECTIVE PRESIDENTS.

6. THE PRESIDENT OF THE CORTES AND OF THE COUNCIL
OF THE REALM WILL BE NAMED BY THE KING.

ARTICLE 3.

1. THE INITIATIVE FOR CONSTITUTIONAL REFORM
WILL CORRESPOND:

A) TO THE GOVERNMENT.

B) TO THE CONGRESS OF DEPUTIES.

2. ANY CONSTITUTIONAL REFORM WILL REQUIRE THE
APPROVAL BY ABSOLUTE MAJORITY OF THE MEMBERS OF THE
CONGRESS AND OF THE SENATE. THE SENATE WILL CON-
SIDER THE TEXT PREVIOUSLY APPROVED BY THE CONGRESS,
AND IF IT IS NOT ACCEPTED IN THE SAME TERMS, THE
DIFFERENCES WILL BE SUBMITTED TO A MIXED COMMISSION,
UNDER THE PRESIDENCY OF HE WHO HOLDS THAT OF THE
CORTES, AND OF WHICH WILL FORM PART THE PRESIDENTS
OF THE CONGRESS AND OF THE SENATE, FOUR DEPUTIES AND
FOUR SENATORS, ELECTED BY THEIR RESPECTIVE CHAMBERS.
IF THIS COMMISSION DOES NOT REACH AGREEMENT OR IF THE
TERMS OF THE AGREEMENT DO NOT OBTAIN THE APPROVAL
OF ONE AND THE OTHER CHAMBER, THE DECISION WILL BE
ADOPTED BY ABSOLUTE MAJORITY OF THE COMPONENTS OF THE
CORTES IN JOINT SESSION OF BOTH CHAMBERS.

3. THE KING, BEFORE APPROVING A CONSTITUTIONAL
REFORM LAW, WILL BE ABLE TO SUBMIT THE BILL TO A
NATIONAL REFERENDUM.

ARTICLE 4.

THE HANDLING OF ORDINARY BILLS WILL PROCEDE
ACCORDING TO WHAT IS CONTEMPLATED IN SUB PARAGRAPH 2 OF
ARTICLE 3 OF THIS LAW, EXCEPT THAT IN THE CASE THAT
THE MIXED COMMISSION DOES NOT REACH AN AGREEMENT
OR THE TERMS OF THE AGREEMENT DO NOT OBTAIN THE
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APPROVAL OF BOTH CHAMBERS BY SIMPLE MAJORITY OF VOTES,
THE GOVERNMENT WILL BE ABLE TO REQUEST THE CONGRESS
OF DEPUTIES TO RESOLVE (THE MATTER) DEFINITELY BY
ABSOLUTE MAJORITY OF ITS MEMBERS.

ARTICLE 5.

THE KING WILL BE ABLE TO SUBMIT DIRECTLY TO THE
PEOPLE A POLITICAL OPTION OF NATIONAL INTEREST,
WHETHER OR NOT OF CONSTITUTIONAL NATURE, SO THAT

THEY MAY DECIDE BY MEANS OF A REFERENDUM, THE RESULTS OF WHICH WILL APPLY TO ALL ORGANS OF THE STATE. IF THE SUBJECTS OF THE CONSULTATIONS REFERS TO MATERIAL WITHIN THE COMPETENCE OF THE CORTES AND THE CORTES DOES NOT TAKE THE CORRESPONDING DECISION IN AGREEMENT WITH THE RESULTS OF THE REFERENDUM, THE CORTES WILL BE DISSOLVED, AND NEW ELECTIONS WILL BE CALLED.

FIRST TRANSITORY DISPOSITION

THE GOVERNMENT WILL REGULATE THE FIRST ELECTIONS TO THE CORTES IN ORDER TO CONSTITUTE A CONGRESS OF 350 DEPUTIES AND ELECT 204 SENATORS, FOUR FOR EACH PROVINCE, TWO FOR CEUTA AND TWO FOR MELILLA. THE SENATORS WILL BE ELECTED BY DIRECT AND SECRET UNIVERSAL SUFFRAGE OF SPANIARDS WHO HAVE REACHED THEIR MAJORITY WHO RESIDE IN THEIR RESPECTIVE TERRITORIES. THE ELECTIONS TO THE CONGRESS WILL FOLLOW CRITERIA OF PROPORTIONAL REPRESENTATION. THE ELECTIONS TO THE SENATE WILL FOLLOW CRITERIA OF MAJORITY SCRUTINY.

SECOND TRANSITORY DISPOSITION

ONCE THE CORTES IS CONSTITUTED:

1. A COMMITTEE COMPOSED OF THE PRESIDENTS OF THE CORTES, OF THE CONGRESS OF DEPUTIES AND OF THE SENATE, OF FOUR DEPUTIES ELECTED BY THE CONGRESS AND OF FOUR SENATORS ELECTED BY THE SENATE, WILL ASSUME THE FUNCTIONS WHICH ARTICLE 13 OF THE LAW OF THE CORTES GIVES TO THE COMMITTEE WHICH IT MENTIONS.
 2. EACH CHAMBER WILL ESTABLISH A COMMITTEE TO ASSUME THE OTHER FUNCTIONS GIVEN TO THE COMMITTEE CONTEMPLATED IN ARTICLE 12 OF THE LAW OF THE CORTES.
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3. THE CORTES WILL ELECT FROM AMONG ITS MEMBERS THE COUNSELLORS OF THE REALM WHO SHOULD COVER THE VACANCIES PRODUCED BY THE CESSATION OF THOSE WHO ARE COUNSELLORS BY REASON OF THEIR CONDITION AS DEPUTIES.

THIRD TRANSITORY DISPOSITION

BEGINNING WITH THE ESTABLISHMENT OF THE NEW CORTES AND UNTIL EACH CHAMBER ESTABLISHES ITS OWN RULES, IT WILL BE RULED BY THOSE OF THE CURRENT CORTES INSOFAR AS THEY DO NOT CONTRADICT THIS LAW, WITHOUT PREJUDICE TO THE ABILITY TO AGREE ON, IN AN IMMEDIATE WAY, THE PARTIAL MODIFICATIONS WHICH MAY BECOME NECESSARY OR BE CONSIDERED USEFUL.

FINAL DISPOSITION

THIS LAW WILL HAVE THE QUALITY OF FUNDAMENTAL (LAW)."

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